

CLOSED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOSEPH AURIEMMA,	:	
	:	
Petitioner,	:	
	:	Civil Action No. 04-3428 (JAG)
v.	:	
	:	<u>ORDER</u>
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

GREENAWAY, JR., U.S.D.J.

This matter comes before the Court on the motion of Petitioner Joseph Auriemma ("Petitioner"), pursuant to 28 U.S.C. § 2255, requesting that this Court vacate his sentence. Petitioner contends that United States v. Booker, 125 S. Ct. 738 (2005), requires that this Court vacate his sentence; and this Court having reviewed the parties' submissions; and for the reasons set forth in this Court's Opinion and upon good cause appearing,

IT IS on this 10th day of May 2005,

ORDERED that Petitioner's motion is hereby DENIED; and it is further

ORDERED, pursuant to 28 U.S.C. § 2253(c)(2), that because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue; and it is further

ORDERED that a copy of this Order be served on the parties within seven (7) days of entry of the Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.